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ABSTRACT

The U.S. Department of Education has undertaken a number of activities to implement the Carl D. Perkins Vocational and Applied Technology Education Act. Four regional meetings have been held to elicit opinions on regulatory issues. Four broad areas have been discussed: standards and measures, assessment and evaluations; state administration and leadership; use of funds and allocations among eligible recipients; and special populations. Several preliminary issues have been identified from these meetings that may be discussed during negotiated rulemaking in Washington, D.C. To assist the states in understanding provisions of the 1990 Amendments, the Office of Vocational and Adult Education (OVAE) has requested, received, and posted responses to questions from the field regarding the law via ADVOCNEWS, an electronic bulletin board. OVAE is also holding four state plan implementation meetings, which provide technical assistance to help state administrators as they develop their plans; has developed a draft State Plan Guide; and is developing performance report requirements. Some of the themes of the new legislation are accountability for program quality and student achievement; emphasis on the needs of special populations; the Tech Prep program; integration of academics and vocational curriculum; and the involvement of business in education. (YLB)

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BETSY BRAND
ASSISTANT SECRETARY FOR VOCATIONAL AND ADULT EDUCATION

"LEGISLATIVE UPDATE"

ALL VOCATIONAL FORUM -- AVA ANNUAL CONVENTION
DECEMBER 2, 1990 -- CINCINNATI, OHIO

Thank you for the introduction. I appreciate the opportunity to speak to you this morning and I would like to extend greetings from Secretary of Education Cavazos.

Before I begin this morning, I'd like to take this opportunity to thank you for the valuable input you have provided and will continue to provide as we continue the process of implementing the new Perkins Act. Both the AVA collectively and you individually have been very helpful as we carry out our duties and responsibilities in this process.

This morning I'd like to give you a brief status report on the process of implementation, including a short summary of the four regional meetings we held, the next steps in the implementation process, and the opportunities for your input. I'd also like to talk about some of the themes of the new law and how those themes mirror some of the promising strategies vocational-technical education is using in helping to improve our system of education.

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I have the opportunity to work in one of the most exciting offices at the Department of Education and this convention falls just after my one-year anniversary in office. Since we were together last year in Orlando, the Congress completed its work and the President signed the reauthorized Carl D. Perkins Vocational and Applied Technology Act. Last year we were talking about what the new law would look like -- this year we are talking about what the regs will look.

There is so much attention focused on work force needs and developing the capabilities of our students to participate in the work force of the future. The Office of Vocational and Adult Education's role in human resource issues -- both work preparedness and literacy -- makes it a vital part of this mission.

I can tell you, also that implementation of this law has been an education for me. Having spent many years working for the House and Senate Education Committees, I was involved in the front end of the process of making law. This involved drafting legislation, holding hearings, working in committee, debating and piecing together bills that would be acceptable to both parties, two houses of Congress and ready for the President's signature. When this happened, for the most part, our work was complete. In the Executive Branch, however, our work is far from over with the signing of a law and we are currently in the middle of the very important process of writing regulations and implementing the Perkins Amendments. I never realized how much interpretation is really left to the

Executive Branch.

Since the President signed the bill on September 25, we have undertaken a number of activities to implement the law.

As many of you know, we just concluded the fourth of the regional meetings held to elicit opinions on regulatory issues in the new law. The meetings were held in Philadelphia, Atlanta, San Francisco, and Kansas City, and I would like to thank the State Directors from Pennsylvania, Georgia, California, and Missouri. These meetings were very successful. Attendance at them was much higher than we expected -- in the end more than 800 people had the opportunity to participate.

The meetings were an excellent opportunity to hear directly from you on the content of the regulations. We had originally identified four issues for discussion, each with a number of questions that needed to be answered. Of these 21 issues we were able to identify four broad areas for discussion. They were:

- * Standards and Measures, Assessment and Evaluations;
- * State Administration and Leadership;
- * Use of Funds and Allocations Among Eligible Recipients and;
- * Special Populations.

Participants in the meetings broke into groups and were asked to answer questions around each of the four issue areas. The discussions were very useful, both for the participants in helping to clarify sections of the law, and for our staff in DVTE, OGC, OPBE, and OMB, to hear and receive guidance from the field.

It would be hard to say there was unanimous agreement on all issues, consensus was reached on some issues but there was no agreement on others. However, overall, the message we heard was to write regulations that allowed as much flexibility as possible. Many participants thought no further regulatory language beyond the statute was needed on many issues. On other issues a clear message was sent that prescriptive language was needed in the regulations on some issues. We also heard that states and localities wished to be held accountable for performance and we are working to develop accountability systems.

From these regional meetings and subsequent discussions here in Washington, we identified several preliminary issues that may be discussed during negotiated rulemaking in Washington, DC, December 17 and 18 and we are in the process of selecting negotiators for the regneg. These twelve negotiators were considered carefully from many qualified candidates to represent each of the Department's ten regions and many diverse interests including State administrators, local administrators, local board representatives, special populations, parents, and teachers. We have also hired a the Federal Mediation Service to facilitate the

meeting. I'm looking forward to the negotiated rulemaking session so we can continue this important process of implementing the new law.

Some of the issues which may be discussed in Washington on December 17 and 18 are:

- * Whether performance standards should be applied to the entire vocational education program of an eligible recipient or only to those particular programs receiving assistance under the Perkins Act Amendments?
- * Under what circumstances may students who are not members of special populations receive services under the Act.
- * What is the extent that flexibility can be allowed under the coherent sequence of courses requirement?
- * Should the comparability requirements be regulated and, if so, how?

These issues are as yet tentative and may change, and my staff is in the process of drafting regulations on these issues and many others. Negotiators will then debate the language and policy questions of these regulations at the session on the

17th and the 18th. After this meeting, the Department will decide how to incorporate the decisions rendered by the negotiators in the Notice of Proposed Rulemaking (NPRM). I should note, however, that the Secretary is not bound by decisions reached during negotiated rulemaking, and if the Department decides to regulate an issue differently from what was advised by the negotiators, we will provide an explanation in the NPRM.

The team of regulations writers has been hard at work, some of the pieces -- the non-controversial regs -- are almost in final draft. We are hoping to publish the NPRM in January. Once the regulations are published, we will receive questions from the field during a sixty-day comment period. We will subsequently provide answers to these questions in the final rules.

In order to assist States in understanding provisions of the 1990 Amendments, OVAE has undertaken an innovative new initiative. We requested, received and posted responses to questions from the field regarding the law via ADVOCNEWS. ADVOCNEWS is an electronic bulletin board used by ADVOCNET members. ADVOCNET, as many of you know is an electronic communications network that links Federal, State, and local adult and vocational education personnel. An organization becomes part of the ADVOCNET system by subscription.

To date, we have received 164 questions regarding provisions of the Act. The

majority (59%) of these questions that we have received fall under the category "Use of Funds." In this category were questions regarding eligible recipients, sub-state distribution, eligible populations, the use of carryover funds, eligible programs, and spending limitations within cost categories.

The second largest category of questions received fell under "State/local Plan/application Development. States want to know who they are required to include in the State/local plans development process and in what capacity.

The third largest category of questions addressed issues relating to evaluation and assessment. Under this category were questions requesting assistance in understanding the requirements of the Act and guidance in developing evaluation criteria, standards and measures.

Finally, the remaining questions addressed such issues as reporting requirements and State policies and practices.

We are also holding four State Plan implementation meetings, the first of which was held last Tuesday and Wednesday in Washington. The next three will be December 5 and 6 in Dallas, December 11 and 12 in Portland and January 8 and 9 in Fort Lauderdale. These meetings will provide technical assistance to help State administrators as they develop their plans.

In addition, we have developed a draft State Plan Guide, which has already been xeroxed and which some of you may have already seen. This guide was written to assist those who write State Plans. The intent of the guide is to assist in State Plan writing and to clarify the requirements in the law that address the State. We developed the guide as quickly as possible, and it will be revised upon completion of the meeting in Fort Lauderdale.

I should note that the guide neither requests nor requires additional information beyond what has been legislated. In fact, the purpose of the guide is to lessen the burden on the State by providing assistance through examples.

As you know, the new law places a heavy emphasis on accountability. We are charged with monitoring compliance, including whether the provisions of the State plan are being fully implemented. In addition, our office is to review the State plan for quality. Therefore, we are asking you to provide us with planned goals, objectives, activities, funds, and outcomes for the total vocational program in your State. We are also asking for descriptions of what the State intends to carry out. Where the law asks for assurances, we are asking you to tell us how these assurances will be met.

We are also in the process of developing performance report requirements as well as a new form for this report, which we will clear with OMB. We will forward

these performance report requirements to the States as soon as they have completed the clearance process.

Those are some of the specific activities we have under way to help the implementation process of the new law. I'd like to take a few minutes now to talk about some of the themes of the new legislation because I believe there are some real opportunities for those of us involved in vocational-technical education to take the lead in helping to show how education can be improved in the United States.

I talked just a few minutes ago about the emphasis in the new law on outcomes and performance measures. This focus on accountability for program quality and student achievement will have a dramatic impact on vocational-technical education programs. By requiring performance standards related to students' improvement of basic skills, their acquisition of occupational competencies, and their success in the labor market, the new law spells out what we expect from our vocational-technical education programs. This idea is a significant one and an area where we can take the lead. For too long, education policy has been driven by inputs -- particularly how much money was being spent on education. And while questions of funding are appropriate ones to ask, we should be concerned at least as much about outcomes, i.e., how well our programs are achieving the goals and objectives we expect of them.

This relates to a second, and equally important theme of the new law and that is the focus on program improvement. It is an over-arching goal of the new law and we are pleased that dollars will be used for it.

Under the Act there is a new emphasis on the needs of special populations. Many of the restrictive set-asides from the old act have been deleted. Previous Federal legislation sought to guarantee the access of special populations to vocational-technical education. Now access is no longer good enough. States will be required to demonstrate that special populations actually benefit from vocational-technical education.

One of the most exciting new programs in this law is the Tech-Prep Education Program funded under Title III. The purpose of this program is to provide planning and demonstration grants to consortia of local education agencies and postsecondary education institutions for the development and operation of four-year programs designed to provide a Tech-Prep education program leading to a two-year associate degree or two-year certificate.

The Tech-Prep program is exciting in and of itself but it also is indicative of two final themes reflected in the new Act. These are the integration of academics and vocational curriculum and the involvement of business in education. I believe these two areas hold the most promise for vocational-technical education, indeed

for all of education as we attempt to meet the work force needs of the 21st century.

One of the problems with our schools today is that we have allowed school curricula to become disconnected from real life. For example, many in the business community have complained that the high school diploma is meaningless, that it does not measure real skills but is only an indication that a student has remained in school. A certificate of perseverance, if you will. We need to make education relevant to real world experience, and we need to bring real world experience into education. This will help many students learn more effectively and broaden the types of learning experiences available. After all, learning in a vacuum results in disconnected knowledge. We need students who can connect to their world. It is important that students understand how their studies relate to the work force they will enter, for if we don't understand this relationship, we risk losing them.

Finally, I would like to mention the important role of the private business sector in improving education in our country. One of the keys to our reform effort will be the expansion of education partnerships with the private sector. Business has been very much a part of the push toward reform of our system of education. Business has taken an active role and has provided the impetus to move reform forward. Today, there are more than 140,000 partnerships by businesses and

community organizations in our schools working to develop the full potential of our young people. Significant about this involvement is that the participation goes to the highest levels. Just before I left for Cincinnati, I was asked to brief the President's Education Policy Advisory Committee, a group that includes members from private business, and I can promise, you, based on the questions they asked and the issues they raised, these men and women are directly and substantially involved in helping to improve education in the United States.

Before I conclude I'd like to thank you for your involvement and contribution on this very important issue of work force preparation. It has been a little over a year since I was confirmed as Assistant Secretary at the Department of Education, and although I have been involved in education issues for many years, this past year has been one of the most challenging, rewarding, and exciting. The opportunity to work with many of you has made me realize the significance of our system of public education, which allows many, indeed most decisions to be made at the State and local level.

Tomorrow, when I return to Washington, the Department of Education will host a visit by a high-level delegation of officials from the Mexican Secretariat for Public Education. The purpose of this visit and an ongoing dialogue between the two departments is to explore areas in which we may be able to learn from each other. However, the first thing my colleagues and I will attempt to explain to the

delegation is the important role of the States and localities in setting and implementing education policy. That is a role carried out each and every day by people like you and your staffs.

Finding the correct balance between Federal, State and local involvement is a tricky one. Too much Federal involvement results in over-regulation and stifles the creativity and imagination so necessary to success in education. On the other hand, the Federal government does have an important role to play in providing leadership and direction, setting broad goals for achievement and assessing progress toward meeting these goals and pursuing research and disseminating the results of this research.

President Bush has said, "building a world-class work force must be national priority. Improving America's capacity to educate and train workers is critical to the future of this country."

Vocational-technical education is working today and will continue to work for better education, for better training, and for a better tomorrow.

Thank you again for the opportunity to speak. It's been a great year and I look forward to the coming days and months as we continue our important work together.